

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA a/s/o Ethical Culture  
Fieldston School and Ethical Culture Fieldston

Plaintiff,

-against-

TISHMAN CONSTRUCTION CORPORATION  
OF NEW YORK, JOHN CIVETTA & SONS, INC.,  
AMBROSINO, DEPINTO, SCHMIEDER  
CONSULTING ENGINEERS, P.C., MUNOZ  
ENGINEERING & LAND SURVEYING, P.C.,  
COOPER, ROBERTSON & PARTNERS, LLP,  
and LANGAN ENGINEERING AND  
ENVIRONMENTAL SERVICES, INC.

Defendants.  
-----X

Case No.: 07 CV 11178

**ANSWER TO TISHMAN'S  
CROSS-CLAIMS**

Judge Assigned:  
Stein, J.

Defendant MUNOZ ENGINEERING & LAND SURVEYING, P.C., by its attorneys  
KAUFMAN BORGEEST & RYAN LLP, as and for its Answer to co-defendant TISHMAN  
CONSTRUCTION CORPORATION OF NEW YORK.'s cross-claims contained within its  
Answer to Amended Complaint dated March 7, 2008, states upon information and belief as  
follows:

**AS AND FOR AN ANSWER TO TISHMAN'S FIRST CROSS-CLAIM**

FIRST. In answering paragraph 10 of the pleading constituting the First Cross-Claim,  
Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations  
contained in paragraph 10 of the pleading constituting the Cross-Claim and respectfully refers all  
questions of law to the Court.

SECOND. In answering paragraph 11 of the pleading constituting the First Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 11 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

**AS AND FOR AN ANSWER TO TISHMAN'S SECOND CROSS-CLAIM**

THIRD. In answering paragraph 12 of the pleading constituting the Second Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 12 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

FOURTH. In answering paragraph 13 of the pleading constituting the Second Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 13 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

**AS AND FOR AN ANSWER TO TISHMAN'S THIRD CROSS-CLAIM**

FIFTH. In answering paragraph 14 of the pleading constituting the Third Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 14 of the pleading constituting the Cross-Claim and refers to the terms and conditions of any contracts or agreements between the parties and respectfully refers all questions of law to the Court.

SIXTH. In answering paragraph 15 of the pleading constituting the Third Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 15 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

**AS AND FOR AN ANSWER TO TISHMAN'S FOURTH CROSS-CLAIM**

SEVENTH. In answering paragraph 16 of the pleading constituting the Fourth Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 16 of the pleading constituting the Cross-Claim and refers to the terms and conditions of any contracts or agreements between the parties and respectfully refers all questions of law to the Court.


EIGHTH. In answering paragraph 17 of the pleading constituting the Fourth Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 17 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

NINTH. In answering paragraph 18 of the pleading constituting the Fourth Cross-Claim, Defendant, MUNOZ ENGINEERING & LAND SURVEYING, P.C. denies the allegations contained in paragraph 18 of the pleading constituting the Cross-Claim and respectfully refers all questions of law to the Court.

**WHEREFORE**, answering defendant hereby demands judgment dismissing Defendant TISHMAN's Cross-Claims herein together with the costs, attorney's fees and such other and further relief as this Court may deem appropriate.

Dated: Valhalla, New York  
March 10, 2008

Respectfully submitted,



KAUFMAN BORGEEST & RYAN LLP

By: Stephanie B. Gitnik, Esq. (SG3977)

Michael P. Mezzacappa (MM 0757)

Attorneys for Defendant

**MUNOZ ENGINEERING & LAND  
SURVEYING, P.C.**

200 Summit Lake Drive, First Floor

Valhalla, New York 10595

(914) 741-6100

Our File No.: 726.006

TO: Robert C. Sheps, Esq.  
SHEPS LAW GROUP, P.C.  
35 Pinelawn Raod, Suite 106E  
Melville, New York 11746

Patrick J. Corbett, Esq.  
RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys for John Civetta & Sons, Inc.  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
212-953-2381  
File: 587-10174

Mark S. Krieg, Esq.  
KRIEG ASSOCIATES, P.C.  
Attorneys for Cooper, Robertson & Partners, LLP  
5 Heather Court  
Dix Hills, New York 11746  
631-499-8406

Thomas H. Kukowski, Esq. (TK-1749)  
Leonardo D'Allessandro (LD-0688)  
MILBER MAKRIS PLOUSADIS & SEIDEN, LLP  
Attorneys for Ambrosino, DePinto & Schmieder  
Consulting Engineers, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601  
914-681-8700

William Bennett, III, Esq.  
BENNETT, GIULIANO, McDONNELL & PERRONE, LLP  
Attorneys for Tishman Construction Corporation of New York  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, New York 10001  
646-328-0120

Lawrence Klein (LK-2875)  
J. Gregory Lahr (JL-9969)  
Gilbert Lee (GL-4010)  
SEDGWICK, DETERT, MORAN & ARNOLD, LLP  
Attorneys for Langan Engineering and Environmental Services Inc.  
125 Broad Street, 39th Floor  
New York, New York 10004-2400  
212-422-0202

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing Answer to Tishman's Cross-Claims upon following counsel, by placing same in the United States Mail, on this 10<sup>th</sup> day of March, 2008 and by filing the same electronically with the Court's ECF System:

To: Robert C. Sheps, Esq.  
SHEPS LAW GROUP, P.C.  
35 Pinelawn Road, Suite 106E  
Melville, New York 11746

Patrick J. Corbett, Esq.  
RUBIN, FIORELLA & FRIEDMAN LLP  
Attorneys for John Civetta & Sons, Inc.  
292 Madison Avenue, 11<sup>th</sup> Floor  
New York, New York 10017  
212-953-2381  
File: 587-10174

Mark S. Krieg, Esq.  
KRIEG ASSOCIATES, P.C.  
Attorneys for Cooper, Roberson & Partners, LLP  
5 Heather Court  
Dix Hills, New York 11746  
631-499-8406

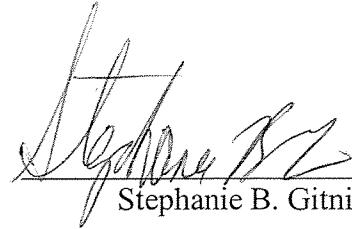
Thomas H. Kukowski, Esq. (TK-1749)  
Leonardo D'Allessandro (LD-0688)  
Attorneys for Ambrosino, DePinto & Schmieder  
Consulting Engineers, P.C.  
3 Barker Avenue, 6<sup>th</sup> Floor  
White Plains, New York 10601  
914-681-8700

William Bennett, III, Esq.  
BENNETT, GIULIANO, McDONNELL & PERRONE, LLP  
Attorneys for Tishman Construction Corporation of New York  
494 Eighth Avenue, 7<sup>th</sup> Floor  
New York, New York 10001  
646-328-0120

Lawrence Klein (LK-2875)  
J. Gregory Lahr (JL-9969)  
Gilbert Lee (GL-4010)  
SEDGWICK, DETERT, MORAN & ARNOLD, LLP  
Attorneys for Langan Engineering and Environmental Services Inc.  
125 Broad Street, 39th Floor  
New York, New York 10004-2400  
212-422-0202

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: Valhalla, New York  
March 10, 2008



---

Stephanie B. Gitnik, Esq.